

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

UNITED STATES OF AMERICA)
)
v.)
)
SANTOS RUIZ-ACOSTA)

EDGAR/CARTER

CASE NO. 1:07-CR-137-003

ORDER

On February 26, 2008, Magistrate Judge William B. Mitchell Carter filed a Report and Recommendation recommending (a) the Court accept Defendant Santos Ruiz-Acosta's ("Defendant") plea of guilty to Count One of the Indictment, to the extent it charges conspiracy to distribute 500 grams or more of methamphetamine in violation of 841(a)(1) and (b)(1)(A) and 846; and Count Six, possession of a firearm in furtherance of a drug trafficking offense in violation of 18 U.S.C. § 924(c), in exchange for the undertakings made by the government in the written plea agreement; (b) the Court adjudicate Defendant guilty of the charges set forth in Count One, to the extent it charges conspiracy to distribute 500 grams or more of methamphetamine in violation of 841(a)(1) and (b)(1)(A) and 846; and Count Six of the Indictment; (c) that a decision on whether to accept the plea agreement be deferred until sentencing; and (d) Defendant shall remain in custody pending sentencing in this matter. Neither party filed an objection within the given ten days. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. No. 91] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1) Defendant's plea of guilty to Count One, to the extent it charges conspiracy to distribute 500 grams or more of methamphetamine in violation of 841(a)(1) and (b)(1)(A) and

846; and Count Six of the Indictment, in exchange for the undertakings made by the government in the written plea agreement, is **ACCEPTED**;

(2) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count One, to the extent it charges conspiracy to distribute 500 grams or more of methamphetamine in violation of 841(a)(1) and (b)(1)(A) and 846; and Count Six of the Indictment;

(3) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and

(4) Defendant **SHALL REMAIN** in custody pending sentencing on **Monday, July 14, 2008 at 1:30 pm.**

SO ORDERED.

ENTER this the 17th day of March, 2008.

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE